

Chief Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) NO. CR00-367L
Plaintiff,)
v.) ORDER CONTINUING TRIAL DATE
FRANCISCO MIRELES,)
Defendant.)

The Court having reviewed the records and files herein and considered the stipulation of the parties, enters the following order:

1. The parties are in agreement that a continuance is needed. The parties are in need of additional time to investigate and prepare this matter for trial or settlement. The additional time is reasonable and would allow the parties the opportunity to explore alternatives to a trial.

2. The Defendant will file a speedy trial waiver.

3. If the parties are not able to reach a settlement, they will need additional time to prepare motions, responses to motions, and for trial given the age of the case. The charges arose out of an incident over four years earlier. The Defendant was a fugitive for over four years and was recently arrested. Discovery is not yet complete, and the Government needs additional time to compile discovery and locate witnesses.

4. The ends of justice outweigh the best interest of the public and the Defendant in a speedy trial. That failure to grant a continuance based upon the change of circumstances would result in a miscarriage of justice in that defense counsel would not have adequate time to prepare the matter for trial;

5. The parties have requested and stipulated to a continuance.

IT IS HEREBY ORDERED that the trial date is continued from October 24, 2005, to December 5, 2005.

IT IS FURTHER ORDERED that pursuant to Title 18, United States Code, Section 3161(h), the period of time from the date of this order to the new trial date is excluded in the computation of time under the Speedy Trial Act.

DONE this 20th day of October, 2005.

Mr S Casnik

Robert S. Lasnik
United States District Judge

Presented by:

s/Bruce F. Miyake
BRUCE F. MIYAKE
Assistant United States Attorney

Per telephonic approval
PAULA DEUTSCH
Attorney for Francisco Mireles